

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAMES JERMAINE WOODFORK,)
)
Plaintiff,)
)
vs.) NO. CIV-21-0492-HE
)
)
SCOTT NUNN, Warden, *et al.*,)
)
)
Defendants.)

ORDER

Plaintiff James Woodfork, a state prisoner appearing *pro se*, filed this § 1983 action alleging violations of his constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. Judge Mitchell has issued an extensive Report and Recommendation recommending that the court construe certain defendants' motions to dismiss as motions for summary judgment and grant the motion, dismiss certain other claims for failure to state a claim for relief, allow plaintiff to withdraw certain claims, and deny plaintiff's motions for injunctive relief and for discovery as moot.

The Report advised plaintiff of his right to object to the Report by July 20, 2022. Plaintiff has not objected to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #56]. The claims against the ODOC and the official capacity claims against defendants Crow, Nunn,

Rackley, Rogers, and Curtis **DISMISSED** without prejudice. Plaintiff's PREA and policy violation claims are **DISMISSED** with prejudice. Defendants' Motion to Dismiss [Doc. #40], construed as a motion for summary judgment, is **GRANTED**. Judgment will be entered in favor of defendants and against plaintiff on plaintiff's Eighth Amendment claim. The court concludes that plaintiff has **WITHDRAWN** his claims against defendants Securus and Curtis. Plaintiff's Motion for Injunctive Relief [Doc. #4] and his Motions for Discovery [Doc. Nos. 51 & 52] are **DENIED** as moot.

IT IS SO ORDERED.

Dated this 28th day of July, 2022.



JOE HEATON
UNITED STATES DISTRICT JUDGE